

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Mark Godden, Lisa Brant, Thomas Gordon

Serial No.: 10/528,442                      Group Art Unit: To Be Assigned

Filed: March 29, 2004                      Examiner: To Be Assigned

For: SYSTEM AND METHOD OF EMPLOYING INDICIA ON WEB  
MATERIAL AND WEB MATERIAL USING SAME

**EXPRESS MAIL CERTIFICATE**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

ATTENTION: Office of PCT Legal Administration

Express Mail Label No.: EV 497655693 US  
Date of Deposit: April 19, 2006

I hereby certify that the following attached paper(s) and/or fee

1. Renewed Petition under 37 C.F.R. §1.47(a), including executed Declaration
2. Statement of Facts and Affidavit in Support of Renewed Petition under 37 C.F.R. §1.47(a), including executed Assignment (Exhibit A); Federal Express receipt dated August 24, 2005 and letter (Exhibit B); and Federal Express receipt dated March 17, 2006 and letter (Exhibit C)
3. Return Receipt Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, ATTENTION: Office of PCT Legal Administration.

Albert Isles

(Typed or printed name of person mailing papers(s) and/or fee)

(Signature of person mailing paper(s) and/or fee)

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile

RECEIVED  
- 1 MAY 2006  
Legal Staff  
International Division

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark Godden, Lisa Brant, Thomas Gordon

Serial No.: 10/528,442                      Group Art Unit: To Be Assigned

Filed: March 29, 2004                      Examiner: To Be Assigned

For: SYSTEM AND METHOD OF EMPLOYING INDICIA ON WEB  
MATERIAL AND WEB MATERIAL USING SAME

**RENEWED PETITION UNDER 37 C.F.R. §1.47(a)**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

ATTENTION: Office of PCT Legal Administration

Sir:

It is respectfully requested that the Combined Declaration and Power of Attorney in above-identified patent application be accepted without the signature of Mark Godden, one of the three joint inventors of the subject matter of the application, pursuant to 37 C.F.R. § 1.47(a).

Inventor Mark Godden does not respond to repeated requests for him to execute the combined declaration and power of attorney, following diligent efforts to reach him and to request that he sign this document, as detailed in the accompanying Statement of Facts and Affidavit. Therefore, inventors Lisa Brant and Thomas Gordon are signing the combined declaration and power of attorney on behalf of themselves and also on behalf of the non-signing

inventor Mark Godden in accordance with 37 C.F.R. §1.47(a).

This Petition is also accompanied by the following:

(1) a Combined Declaration and Power of Attorney executed by joint inventors Lisa Brant and Thomas Gordon on behalf of themselves and also on behalf of the non-signing inventor Mark Godden.

(2) authorization to charge deposit account Deposit Account No. 13-4500, Order No. 4758-4101US1 for any additional requisite fee accompanying the renewed petition under 37 C.F.R. § 1.47(a).

(3) a Statement of Facts and an Affidavit, signed by Keith J. McWha of Morgan & Finnegan, L.L.P., retained by Gerber Scientific Products, Inc. to prosecute the above-referenced patent application, which accompanies this Petition and provides facts in support of the need of the signing inventors to sign the declaration for this application on behalf of themselves and an omitted inventor who refuses to sign the declaration, after diligent effort in accordance with 37 C.F.R. § 1.47(a);

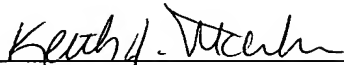
The most current address known for the nonsigning inventor is stated in the Statement of Facts and Affidavit and is as follows: Mark Godden, West Hartley Farm, Blackawton, Devon, TQ9 7DH, Great Britain, United Kingdom.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any fee(s) which may be required for this Petition under 37 C.F.R. §1.47(a), and accompanying papers, or to credit any overpayment, to Deposit Account No. 13-4500, Order No. 4758-4101US1.

Respectfully submitted,  
Morgan & Finnegan, L.L.P.

Dated: April 19, 2006

By:   
Keith J. McWha  
Registration No. 44,235

Correspondence Address  
Morgan & Finnegan, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
Tel: 212-415-8700  
Fax: 212-415-8701

**COMBINED DECLARATION AND POWER OF ATTORNEY FOR  
ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD OF EMPLOYING INDICIA ON WEB MATERIAL AND WEB  
MATERIAL USING SAME

the specification of which

- a. ☐ is attached hereto
- b. ☐ was filed on \_\_\_\_\_ as application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ . (if applicable).

**PCT FILED APPLICATION ENTERING NATIONAL STAGE**

- c. ☒ was described and claimed in International Application No. PCT/US2004/009565 filed on 29 March 2004 and as amended on \_\_\_\_\_ . (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby specify the following as the correspondence address to which all communications about this application are to be directed:

**SEND CORRESPONDENCE TO:**

- ☒ The address associated with the Customer Number
- OR-
- ☐ Address Shown (see below)

**27123**

**DIRECT TELEPHONE CALLS TO:**

Andrew M. Riddles  
(212) 415-8700

☐ I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or under § 365(b) of any foreign application(s) for patent or inventor's certificate or under § 365(a) of any PCT international application(s) designating at least one country other than the U.S. listed below and also have identified below such foreign application(s) for patent or inventor's certificate or such PCT international application(s) filed by me on the same subject matter having a filing date within twelve (12) months before that of the application on which priority is claimed:

☒ The attached 35 U.S.C. § 119 claim for priority for the application(s) listed below forms a part of this declaration.

Country/PCT	Application Number	Date of filing (day, month, yr)	Date of issue (day, month, yr)	Priority Claimed
PCT	PCT/US2004/009565	29 March 2004		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
				<input type="checkbox"/> Y <input type="checkbox"/> N
				<input type="checkbox"/> Y <input type="checkbox"/> N

☒ I hereby claim the benefit under 35 U.S.C. § 119(e) of any U.S. provisional application(s) listed below.

Provisional Application No.	Date of filing (day, month, yr)
60/458,462	28 March 2003

**ADDITIONAL STATEMENTS FOR DIVISIONAL,  
CONTINUATION OR CONTINUATION-IN-PART  
OR PCT APPLICATION(S) DESIGNATING THE U.S.**

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or under § 365(c) of any PCT international application(s) designating the U.S. listed below.

US/PCT Application Serial No.	Filing Date	Status (patented, pending, abandoned)/ U.S. application no. assigned (For PCT)
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US/PCT Application Serial No.	Filing Date	Status (patented, pending, abandoned)/ U.S. application no. assigned (For PCT)
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☐ In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the above listed prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

☒ Practitioners associated with the Customer Number

27123

-OR-

☐ Practitioner(s) named below:

Name	Registration Number

☒ I hereby authorize the U.S. attorneys and/or agents named hereinabove to accept and follow instructions from Andrew M. Riddles as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and/or agents and me. In the event of a change in the person(s) from whom instructions may be taken I will so notify the U.S. attorneys and/or agents named hereinabove.

Full name of sole or first inventor: Mark Godden

Inventor's signature\* \_\_\_\_\_

\_\_\_\_\_ Date

Residence:

25 Lower Warren Road, Kingsbridge Devon TO7 1LF, Great Britain

Citizenship:

United Kingdom

Post Office Address:

Same as above

Full name of second inventor: Lisa Brant

Inventor's signature\* \_\_\_\_\_

\_\_\_\_\_ Date

Residence:

35 Evergreen Terrace, Durham, CT 06422

Citizenship:

US

Post Office Address:

Same as above

☒ ATTACHED IS ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS FORM.

Full name of third inventor:

Thomas Gordon

Inventor's signature\*

Thomas Gordon

11/2/05

Date

Residence:

164 Great Pond Road, South Glastonbury, CT 06033

Citizenship:

US

Post Office Address:

Same as above



\*Before signing this declaration, each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

After the declaration is signed, the specification and claims are not to be altered.

To the inventor(s):

The following are cited in or pertinent to the declaration attached to the accompanying application:

Title 37, Code of Federal Regulation, §1.56

Duty to disclose information material to patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability. A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard,

giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the National or PCT international filing date of the continuation-in-part application.

#### Title 35, U.S. Code § 101

##### Inventions patentable

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

#### Title 35 U.S. Code § 102

##### Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent,
- (b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) The invention was described in--
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national

application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) (1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention; but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

#### Title 35, U.S. Code § 103

##### 103. Conditions for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- (b) (1) Notwithstanding subsection (a), and upon timely election by the applicant for patent to proceed under this subsection, a biotechnological process using or resulting in a composition of matter that is novel under section 102 and nonobvious under subsection (a) of this section shall be considered nonobvious if—
  - (A) claims to the process and the composition of matter are contained in either the same application for patent or in separate applications having the same effective filing date; and
  - (B) the composition of matter, and the process at the time it was invented, were owned by the same person or subject to an obligation of assignment to the same person.
- (2) A patent issued on a process under paragraph (1)—
  - (A) shall also contain the claims to the composition of matter used in or made by that process, or
  - (B) shall, if such composition of matter is claimed in another patent, be set to expire on the same date as such other patent, notwithstanding section 154.
- (3) For purposes of paragraph (1), the term "biotechnological process" means--

- (A) a process of genetically altering or otherwise inducing a single- or multi-celled organism to—
    - (i) express an exogenous nucleotide sequence,
    - (ii) inhibit, eliminate, augment, or alter expression of an endogenous nucleotide sequence, or
    - (iii) express a specific physiological characteristic not naturally associated with said organism;
  - (B) cell fusion procedures yielding a cell line that expresses a specific protein, such as a monoclonal antibody; and
  - (C) a method of using a product produced by a process defined by subparagraph (A) or (B), or a combination of subparagraphs (A) and (B).
- (c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

#### Title 35, U.S. Code § 112 (in part)

##### Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

#### Title 35, U.S. Code, § 119

##### Benefit of earlier filing date in foreign country; right of priority

- (a) An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, or in a WTO member country, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.
- (b)
  - (1) No application for patent shall be entitled to this right of priority unless a claim is filed in the Patent and Trademark Office, identifying the foreign application by specifying the application number on that foreign application, the intellectual property authority or country in or for which the application was filed, and the date of filing the application, at such time during the pendency of the application as required by the Director.
  - (2) The Director may consider the failure of the applicant to file a timely claim for priority as a waiver of any such claim. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed claim under this section.
  - (3) The Director may require a certified copy of the original foreign application, specification, and drawings upon which it is based, a translation if not in the English language, and such other

information as the Director considers necessary. Any such certification shall be made by the foreign intellectual property authority in which the foreign application was filed and show the date of the application and of the filing of the specification and other papers.

- (c) In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in the same foreign country instead of the first filed foreign application, provided that any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority.
- (d) Applications for inventors' certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents, provided such applicants are entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing.
- (e)
  - (1) An application for patent filed under section 111(a) or section 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under section 111(a) or section 363 of this title is filed not later than 12 months after the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application. No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this subsection during the pendency of the application.
  - (2) A provisional application filed under section 111(b) of this title may not be relied upon in any proceeding in the Patent and Trademark Office unless the fee set forth in subparagraph (A) or (C) of section 41(a)(1) of this title has been paid.
  - (3) If the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day.
- (f) Applications for plant breeder's rights filed in a WTO member country (or in a foreign UPOV Contracting Party) shall have the same effect for the purpose of the right of priority under subsections (a) through (c) of this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents.
- (g) As used in this section--
  - (1) the term "WTO member country" has the same meaning as the term is defined in section 104(b)(2) of this title; and
  - (2) the term "UPOV Contracting Party" means a member of the International Convention for the Protection of New Varieties of Plants.

Title 35, U.S. Code, § 120

Benefit or earlier filing date in the United States

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application. *No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this section. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this section.*

Please read carefully before signing the Declaration attached to the accompanying Application. If you have any questions, please contact Morgan & Finnegan, L.L.P.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark Godden, Lisa Brant, Thomas Gordon

Serial No.: 10/528,442                      Group Art Unit: To Be Assigned

Filed: March 29, 2004                      Examiner: To Be Assigned

For: SYSTEM AND METHOD OF EMPLOYING INDICIA ON WEB  
MATERIAL AND WEB MATERIAL USING SAME

**STATEMENT OF FACTS AND AFFIDAVIT IN SUPPORT OF  
RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

ATTENTION: Office of PCT Legal Administration

I, Keith J. McWha, hereby declare as follows:

1. I am an attorney admitted to the bars of New York, New Jersey, the District of Columbia, and the U.S. Patent and Trademark Office (registration no. 44,235) and an associate of the firm of Morgan & Finnegan, L.L.P. ("Morgan & Finnegan"), 3 World Financial Center, New York, New York 10281-2101. I make this Statement Of Facts In Support Of The Petition Under 37 C.F.R. § 1.47(a) in the above-referenced application. Morgan & Finnegan has been retained by Gerber Scientific Products, Inc. to prosecute and handle all matters relating to the above-referenced patent application in the U.S. Patent and Trademark Office. At Morgan & Finnegan, I am responsible for the handling and prosecution of the above-referenced patent application.

2. I am making this declaration on behalf of Gerber Scientific Products, Inc.,

at which the invention of the above-referenced patent application was made and to whom the provisional application corresponding to the above-identified patent application is assigned, as to the exact facts which are relied upon to establish the diligent effort made to secure the execution of the Declaration and Power of Attorney ("Declaration") by the non-signing joint inventor, Mark Godden. The filing of an executed Declaration in the subject application is in response to a Notification of Missing Requirements mailed from the United States Patent and Trademark Office ("USPTO") on September 23, 2005.

3. I have first-hand knowledge of the facts stated herein.

#### STATEMENT OF CURRENT ADDRESS

4. Mark Godden's last known residence address is West Hartley Farm, Blackawton, Devon, TQ9 7DH, Great Britain, United Kingdom.

#### DETAILS OF OMITTED INVENTOR

5. The inventors of above-identified patent application are Mark Godden, Lisa Brant, and Thomas Gordon. The application was filed on March 29, 2004, without a Declaration or an Assignment.

6. The corresponding provisional application was filed on March 28, 2003 with serial number 60/458,462. On July 24, 2003, Mark Godden signed an Assignment of rights for the provisional patent application to Gerber Scientific Products, Inc. In the Assignment, Mr. Godden consented to "covenant and agree to sign all proper papers including divisional and other applications for patents and assignments thereof in the United States and application for patents and assignments in all foreign countries, and to execute all rightful oaths and to take any other proper action that may in the judgment of the said corporation be necessary for securing thereto



full rights to said invention..." (Exhibit A). Because Mr. Godden assigned his rights to the corresponding provisional patent application to Gerber Scientific Products, Inc., he no longer retains any rights to the above-identified non-provisional patent application.

7. After executing the Assignment, Mark Godden left the employ of Gerber Scientific Products, Inc.

8. On August 24, 2005, I mailed a Combined Declaration/Power of Attorney document to Mr. Godden at his last known current address. No response has been received. Mark Godden has refused to sign the documents. This correspondence was received by Mark Godden as shown by the enclosed Federal Express receipt (Exhibit B).

9. On March 17, 2006, I mailed a Combined Declaration/Power of Attorney document to Mr. Godden at his last known current address. No response has been received. Mark Godden has refused to sign the documents. This correspondence was received by Mark Godden as shown by the enclosed Federal Express receipt (Exhibit C).

10. As is set forth above, Morgan & Finnegan, on behalf of Gerber Scientific Products, Inc., has acted diligently and in good faith in making a bona fide attempt to request that inventor Mark Godden execute the Combined Declaration/Power of Attorney document. Clearly, Mark Godden has refused to sign the documents that were delivered to him as evidenced by his signature on the Federal Express packages sent twice to his address.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Morgan & Finnegan, L.L.P.

Date: April 19, 2006

By: Keith J. McWha  
Keith J. McWha  
Registration No. 44,235

Correspondence Address  
Morgan & Finnegan, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
Tel: 212-415-8700  
Fax: 212-415-8701

ASSIGNMENT

THIS INSTRUMENT OF ASSIGNMENT WITNESSETH THAT:

WHEREAS, we, Mark Godden, Lisa Brandt and Thomas A. Gordon

residents of 25 Lower Warren Road, Kingsbridge, Devon, UK TQ7-1LR; 35  
Evergreen Terrace, Durham, CT 06422; and 164 Great Pond Road, South  
Glastonbury, CT 06073,,

respectively, have invented improvements in

WEB MATERIAL WITH INDICIA

for which a Provisional Patent Application of the United States was filed on  
March 28, 2003, as Application Serial No. 60/458,462 and

WHEREAS, GERBER SCIENTIFIC PRODUCTS, INC.

a corporation of the State of Connecticut

having a place of business at 83 Gerber Road West, South Windsor, CT 06074

is desirous of acquiring an interest in said invention, said application and the  
Letters Patent to be issued therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for  
and in consideration of the sum of ONE DOLLAR to each in hand paid and other  
good and valuable consideration, the receipt whereof is hereby acknowledged,  
we have sold, assigned and set over, and do hereby sell, assign and set over to  
said corporation, its successors or assigns, the entire right, title and interest to  
and in said invention in the United States and in all foreign countries, said United  
States application for Letters Patent therefor and the Letters Patent when issued;  
and we do hereby authorize and request the Commissioner of Patent and  
Trademarks to issue the Letters Patent based upon said application to said  
corporation as the assignees of our entire right, title and interest to and in the  
same, for the sole use and behoof of said corporation, its successors or assigns.

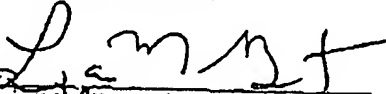
And we also hereby covenant and agree to sign all proper papers including divisional and other applications for patents and assignments thereof in the United States and application for patents and assignments in all foreign countries, and to execute all rightful oaths and to take any other proper action that may in the judgment of the said corporation be necessary for securing thereto full rights to said invention, all of the foregoing to be at the expense of said corporation.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals.

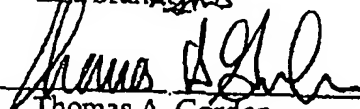
24 JULY 03  
Date

By   
Mark Godden

Date

By   
Lisa Brandt

7/23/03  
Date

By   
Thomas A. Gordon

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Signed for by	G.ODDEN		M
Ship date	Aug 24, 2005		
Delivery date	Aug 26, 2005 1:04 PM	Destination	DEVON TQ9 7DH GB
		Service type	Priority Overnight
Status	Delivered		

Date/Time	Activity	Location	Details
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# Morgan & Finnegan, P.C.

A Registered Limited Liability Partnership

3 WORLD FINANCIAL CENTER

NEW YORK, NY 10281-2101

TEL: 212-415-8700

FAX: 212-415-8701

www.morganfinnegan.com

Keith J. McWha  
(212) 415-8705  
kmcwha@morganfinnegan.com

August 24, 2005

## VIA FEDERAL EXPRESS

Mr. Mark Godden  
West Hartley Farm  
Blackawton  
Devon TQ9 7DH  
Great Britain

Ref: 04758-4101US1EDM Date: 08/24/2005  
Dep: legal documents Wgt: 0.6 LBS  
CV: 0.00  
# of Pkgs: 1

SHIPPING: 25.20  
SPECIAL: 3.15  
HANDLING: 0.00  
TOTAL: 28.35

Svcs: INTL PRIORITY PAK  
TRCK: 6266 8835 6355

Re: U.S. National Filing of International Application Number  
PCT/US2004/09565  
Entitled: SYSTEM AND METHOD OF EMPLOYING INDICIA ON  
WEB MATERIAL AND WEB MATERIAL USING SAME  
Our Reference: 4758-4101US1

Dear Mr. Godden:

On behalf of Gerber Scientific Products, Inc., we have entered the U.S. national phase before the United States Patent and Trademark Office on March 18, 2005. Copies of the published PCT application referenced above, an Information Disclosure Statement, and the transmittal documents are enclosed for your file.

In order to complete all filing formalities, we have enclosed an Assignment document running from the inventors to Gerber Scientific International, Inc. and a Combined Declaration/Power of Attorney document. Please execute the aforementioned documents where indicated and return them to me either in the postage-prepaid express mail envelope or by facsimile at (212) 415-8701. As you are aware, you have executed the formal documents for US priority application number 60/458,462, filed on March 28, 2003.

As a prior employee, you have an obligation to sign and return the enclosed documents.

We remind you that each individual associated with the filing and prosecution of a patent application, including each named inventor, has a duty of candor in dealing with the United States Patent and Trademark Office. This duty of candor

Mr. Mark Godden  
August 24, 2005  
File 4758-4101US1  
Page 2

requires the disclosure to the Patent Office of all information known to each individual which is material to the patentability of each pending claim.

Please let me know if you are aware of any publications, patents or published applications which are relevant to the claimed invention.

Your prompt attention for returning the executed documents is requested. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Keith J. McWha

KJM:edm  
Enclosures

cc: Mr. Dan Binnall  
Paul S. Bavier, Esq.  
Ms. Maureen Shook  
Andrew M. Riddles, Esq.

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Ship date Mar 17, 2006  
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Mar 19, 2006	1:49 AM At dest sort facility	STANSTED GB	
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	5:07 PM At dest sort facility	STANSTED GB	
	2:55 AM Departed FedEx location	NEWARK, NJ	
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Mar 17, 2006	11:40 PM Arrived at FedEx location	NEWARK, NJ	
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Keith J. McWha  
(212) 415-8705  
kmcwha@morganfinnegan.com

March 16, 2006

## VIA FEDERAL EXPRESS

Ref: 04758-4101US1KMW Date: 03/17/2006  
Dep: legal documents Wgt: 0.3 L  
CV: 0.00  
# of Pkgs: 1  
SHIPPING: 26.55  
SPECIAL: 3.32  
HANDLING: 0.00  
TOTAL: 29.87

Svcs: INTL PRIORITY PAK RES  
TRCK: 6266 8837 6037

Mr. Mark Godden  
West Hartley Farm  
Blackawton  
Devon TQ9 7DH  
Great Britain

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MORGAN & FINNEGAN, L.L.P.

Mr. Mark Godden

March 16, 2006

File 4758-4101US1

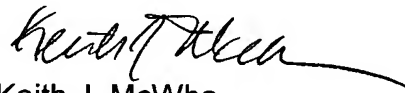
Page 2

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Very truly yours,



Keith J. McWha

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Enclosures

cc: Mr. Dan Binnall  
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